# MONTANA LEGISLATIVE HISTORY

Chapter 316 19 1983

Bill H 617 S _____ Original bill & history ✓ C

| H. Committee on Ag/Livestock | | S. Committee on Judiciary | |
|---|---|---|---|
| Hearing Date(s) _____ | ___C | Hearing Date(s) _____ | ___C |
| _____ | ___C | _____ | ___C |
| 2/9 | ✓C | 3/17 | ✓C |
| _____ | ___C | _____ | ___C |
| Date Out 2/16 | ✓C | out 3/17 | ✓ |

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HOUSE BILL NO. 617

INTRODUCED BY UNDERDAL, RYAN, SOLBERG, ELLISON, JACOBSEN, IVERSON, SCHULTZ, BLISS, SWITZER, DEVLIN, MANUEL, STOBIE

IN THE HOUSE

| | |
|---|---|
| February 2, 1983 | Introduced and referred to Committee on Agriculture, Livestock and Irrigation. |
| February 16, 1983 | Committee recommend bill do pass as amended. Report adopted. |
| February 17, 1983 | Bill printed and placed on members' desks. |
| February 18, 1983 | Second reading, do pass. |
| February 21, 1983 | Considered correctly engrossed. |
| February 22, 1983 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

| | |
|---|---|
| March 1, 1983 | Introduced and referred to Committee on Judiciary. |
| March 17, 1983 | Committee recommend bill be concurred in. Report adopted. |
| March 19, 1983 | Second reading, concurred in. |
| March 22, 1983 | Third reading, concurred in. Ayes, 49; Noes, 0. |

IN THE HOUSE

| | |
|---|---|
| March 22, 1983 | Returned to House. |
| March 23, 1983 | Sent to enrolling. |
| | Reported correctly enrolled. |

HOUSE BILL NO. 617

INTRODUCED BY Underdal Bryan Ellison Spaeth Juneau Keating Ellis Switzer Darkin Manuel Stahl

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE LAWS RELATING TO THE CROP OR GRAIN LIEN FOR SPRAYING OR DUSTING; AMENDING SECTIONS 71-3-401, 71-3-804, 71-3-901, AND 71-3-904, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-901, MCA, is amended to read:

"71-3-901. Who may have lien -- amount. Any person, firm, corporation, or partnership which shall under contract, express or implied, perform labor or services or furnish material in crop dusting or spraying grains or crops for the purpose of weed, disease, or insect control for promoting the growth of such grains or crops shall have a lien upon all such grains or crops so crop dusted or sprayed for and on account of the labor or service performed and material furnished, upon complying with the provisions of this part; provided, however, that any such lien shall not exceed ~~$1.50 per acre for spraying or dusting wheat, and in the case of other grain or crops, such lien shall not exceed~~ the prevailing price charged in the particular locality in which such grain or crops ~~is~~ are sprayed or dusted."

Section 2. Section 71-3-904, MCA, is amended to read:

"71-3-904. Priority. The lien for labor or services performed or material furnished as specified in this part shall be prior to and have precedence over any mortgage, encumbrance, or other lien upon said grain or crops, except the lien for seed, ~~hail insurance, threshing, labor, and warehouse services furnished for the purpose of growing or handling the particular grain or crops.~~"

Section 3. Section 71-3-401, MCA, is amended to read:

"71-3-401. Who may have lien -- priority. (1) Any person who performs services for another in the capacity of a farm or ranch laborer has a lien on all crops of every kind grown, raised, or harvested by the person for whom the services were performed during that time as security for the payment of any wages due or owing to such persons for services so performed.

(2) The lien has priority over all other liens, chattel mortgages, or encumbrances except feed sufficient for 3 months for 1 horse, 2 cows and their calves, 4 hogs, and 50 domestic fowls; ~~and~~ seed grain and threshers' liens; and crop or grain liens for spraying or dusting. The wages for which a lien may be claimed may not be in excess of $1,000 or for a period of time exceeding 60 days next preceding the date of filing the lien. In case any such person without cause quits his employment before the expiration of the time for which he is employed, he is not



LC 2229/01

INTRODUCED BILL HB 617

entitled to a lien as herein provided.

(3) If several persons have or obtain liens under the provisions of this part against property of the same employer, they have no priority among themselves but all must be paid pro rata from the proceeds of any foreclosure sale according to the provisions of this part."

Section 4. Section 71-3-804, MCA, is amended to read:

"71-3-804. Priority. The lien for work or labor done or services rendered as specified in 71-3-801 shall be prior to and have precedence over any mortgage, encumbrance, or other lien upon said grain or other crops, except the lien for the seed furnished for the purpose of growing this particular crop and the crop or grain lien for spraying or dusting this crop."

-End-

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, FEBRUARY 9, 1983

The meeting was called to order by Chairman Jacobsen on Wednesday, February 9, 1983 at 12:30pm, in Room 129, State Capitol. All members were present with the exception of Reps. Holliday, Bengston, Lybeck and Roush who were excused.

## HEARING

HOUSE BILL 617. REP. MELVIN UNDERDAL, District 12, Toole County, testified as chief sponsor of the bill, referring to Section 71-3-901 and page 1, line 21. He said the stricken language enforces a lien amount of $1.50 per acre on wheat for crop dusting and doesn't change figures for any other crop.

REP. UNDERDAL suggested the Committee strike line 21 beginning with "exceed" and all of line 22. He said costs for dusting range from $4 to $25 per acre and recommended inserting "crop or grain lines for spraying or dusting" after "seed" on page 2, line 4 of the bill and Page 3, Section 4, lines 13-14.

## PROPONENTS

MR. TOM MILLOTT, Brady, MT, told the Committee, as an aerial applicator he believed $1.50 per acre was inadequate. He asked the Committee to raise the fees to cover costs incurred by the applicator.

## OPPONENTS

MR. ROGER MCGLENN, Independent Insurance Agents, said his organization objected to the bill and would like to see hail insurance remain in its present order (exhibit).

MR. JAY CONLON, Manager, Montana-Wyoming Division of Rain and Hail Insurance Services, Inc., read from a prepared statement in opposition to the bill (exhibit).

MR. BOB LOWRY, Continental Insurance Company, Missoula, MT, reempahized information provided by other opponents of the bill.

CHAIRMAN JACOBSEN advised Rep. Underdal the prevailing price would apply to wheat if language on page 1, line 21 were stricken from the bill. He asked if this action would be acceptable to the Committee and whether the bill would need to be further amended.

REP. UNDERDAL commented crop dusting liens should be inserted after hail insurance in the bill instead of striking language on page 2, lines 5-7.

REP. SPAETH told the Committee it was his interpretation all lines on page 2, lines 5-7 receive the same priority.

CHAIRMAN JACOBSEN asked if priorities were based on the first in time theory when such a lien were filed. Mr. Conlon told him the crop insurance people want to remain the number one priority in the bill.

Legislative Council Attorney, John MacMaster told the Committee Section 1 of the bill seemed to conflict with Section 2 in establishing priorities.

REP. SPAETH advised the Committee lien laws are very complicated. Chairman Jacobsen told the Committee crop dusters would still be free to put a lien on their work if language pertaining to $1.50 per acre were stricken and the remainder of the bill left intact.

REP. SPAETH said two parts of the bill need to be addressed and that he believed Chairman Jacobsen was on the right track.

REP. UNDERDAL restated his concern that crop dusters be properly compensated for costs incurred and asked the Committee to at least consider the first part of proposed changes in the bill.

The hearing on HOUSE BILL 617 was closed.

HOUSE BILL 667. REP. DEAN SWITZER, District 54, Dawson County, read from prepared testimony in support of the bill which would establish a crimestoppers program within the Department of Livestock and appropriate funds (exhibit). He said there were 266 cases of stolen livestock in 1981 and 344 in 1982 and told the Committee of 1,511 vehicle checks in 1981, 29,200 animals were recovered while recoveries in 1982 totalled 43,244 animals. He explained 789 animals were lost in 1981 and 1,012 in 1982.

REP. SWITZER told the Committee Colorado, North Dakota and New Mexico have implemented similar programs; Montana's most closely related to that of New Mexico, adding the bill would create a five member board funded by earmarked dollars and compensated for expenses from the estray fund.

VISITOR'S REGISTER

HOUSE Agriculture COMMITTEE

BILL HB617 DATE 2-9-83

SPONSOR Underdal

| NAME | RESIDENCE | REPRESENTING | SUP-PORT | OP-POSI |
|---|---|---|---|---|
| Bob Lowry | Missoula, Mt. | Continental Ins Co | | — |
| Jay S Conlan | Great Falls, Mt | Rainbow Hail Ins Service | | ✓ |
| Roger McGlenn | HELENA, MT | IND. INS AGENTS OF MT. | | ✓ |
| Thomas J Millett | Brady Mt | Self | ✓ | |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

2-9-83
Exhibit

REGARDING HOUSE BILL NO. 617

Because a priority list does exist for the Crop or Grain lien laws, the Independent Insurance Agents Association of Montana must object to hail insurance being moved down the list.

As the hail insurance protects all the creditors in the event the crop is destroyed by a named peril, we feel hail insurance should remain in its current place on the priority list. The agent is responsible for payment of the premium to the insurance company even if the premium is not paid by the person producing the crop. Without protectic an agent is placed in a position of taking a large risk, as the premium is not due till after the risk has passed.

We ask this committee allow hail insurance to remain in its current position on the priority list.

Roger McClenn

2-9-83
HB 617

STATEMENT OF JAY G. CONLON

MANAGER OF THE MONTANA - WYOMING DIVISION OF

THE RAIN AND HAIL INSURANCE SERVICE, INC.

BEFORE THE

AGRICULTURE AND LIVESTOCK COMMITTEE

OF THE

MONTANA HOUSE OF REPRESENTATIVES

1983 LEGISLATIVE SESSION

FEBRUARY 9, 1983

COMMITTEE MEMBERS

THE HAIL INSURANCE INDUSTRY, OF WHICH THERE ARE APPROXIMATELY 22 COMPANIES SERVING MONTANA, IS NOT IN OPPOSITION TO MOST OF H.B. 617. WE DO HOWEVER OBJECT TO THE PRIORITY SECTION OF THE BILL IN WHICH THE PROPONENTS SEEK TO PLACE THEMSELVES IN 'SECOND PLACE' OR FOLLOWING THE SEED LIEN IN ORDER OF PRIORITY OF PAYMENT FOR THEIR SERVICES. THIS POSITION HAS BEEN ENJOYED BY THE CROP HAIL INSURANCE LIEN SINCE ITS ESTABLISHMENT IN 1921. 7-3-711 THRU 71-3-713 OF THE MONTANA CODE ANNOTATED STATES THAT THE HAIL LIEN BE PRIOR TO ALL OTHER STATUTORY LIENS EXCEPT THE SEED LIEN.

WE RESPECTFULLY REQUEST THAT THE PRIORITY SECTION OF H.B. 617 BE AMENDED. WE SUGGEST THE PRIORITY OF THE CROP SPRAYING AND DUSTING LIEN AS PRESCRIBED IN THE 1953 BILL BE LEFT INTACT AND NOT DELETED AS SUGGESTED BY THE NEW H.B. 617. OUR REASONS ARE STATED AS FOLLOWS:

1) HAIL INSURANCE IS ONE OF A FEW IF NOT THE ONLY TYPE OF INSURANCE PAID FOR AFTER THE RISK HAS PASSED. THE PRODUCER PURCHASES HAIL INSURANCE DURING LATE SPRING OR EARLY SUMMER, BUT IS NOT REQUIRED TO PAY THE PREMIUM UNTIL AFTER HARVEST. THIS PUTS HIS AGENT AND THE COMPANY IN A SOMETIMES TENABLE POSITION OF NOT BEING PAID UNTIL THE INSURANCE RISK HAS BEEN USED UP! FOR THIS REASON, IT HAS BECOME NECESSARY IN SOME INSTANCES TO TAKE OUT A LIEN ON A CROP TO INSURE PAYMENT OF PREMIUM.

2) WE SUGGEST THAT HAIL INSURANCE ON A CROP PROTECTS NOT ONLY THE PRODUCER BUT HIS CREDITORS AS WELL. IF THE PRODUCER HAS NO INSURANCE AND GETS 'HAILED OUT', NO ONE MAY GET PAID! BECAUSE WE AFFORD HIM AND HIS CREDITORS THIS PROTECTION, WE BELIEVE WE SHOULD BE AFFORDED A LIKE TYPE OF PROTECTION BY HAVING A HIGH PRIORITY OF PAYMENT FOR OUR AGENTS AND THEIR LIENS.

3) IF THE CROP HAIL INSURANCE LIEN LOSES THE PRIORITY PAYMENT POSITION IT NOW HOLDS AND HENCE, LOSES ITS CLOUT, WE SUBMIT THAT LESS INSURANCE WILL BE WRITTEN BY AGENTS AND COMPANIES BECAUSE THEY QUITE SIMPLY WILL NOT WANT TO TAKE A CHANCE ON NOT RECEIVING PAYMENT OF PREMIUM. THIS SITUATION BRINGS US BACK TO POINT NUMBER 2 ABOVE--WITHOUT THE PROTECTION OF INSURANCE ON A CROP, OTHER AGRICULTURALY ORIENTED BUSINESSES MAY BE RELUCTANT TO EXTEND CREDIT TO THE PRODUCER.

IN CLOSING, THE CROP HAIL INSURANCE INDUSTRY WOULD APPRECIATE YOUR CONSIDERATION OF OUR REQUEST TO HAVE THE PRIORITY POSITION OF OUR LIEN LEFT WHERE IT IS BY NOT AMENDING THAT SECTION OF THE PRESENT CROP SPRAYING AND DUSTING LIEN AS REQUESTED IN H.B. 617.

RESPECTFULLY SUBMITTED,

Jay L Conlon

JAY C. CONLON, MANAGER
RAIN AND HAIL INSURANCE SERVICE, INC.

A LIST OF COMPANIES HEREBY REPRESENTED IS ATTACHED.....

. THE CONTINENTAL INSURANCE COMPANIES
CROP HAIL DEPARTMENT

Bob Lowry
Office PH. 761-4200
Continental Insurance Co.
P. O. Box 1587
Great Falls, Mt. 59403

. HAIL UNLIMITED

Walter Streifel, Claims Supervisor
204½ First Ave. South
P. O. Box 452
Jamestown, North Dakota 58401
Ph. 701-252-9003

. GREAT AMERICAN INSURANCE COMPANY

James W. Dameron, Field Supervisor
Crop Hail Dept.
Jefferson 400 Bldg., Room 380
4th Avenue & South Jefferson
Spokane, Washington 99204
Off. Ph. 509-624-9241 Res. Ph. 509-534-5476

. RAIN AND HAIL INSURANCE SERVICE, INC.

The Aetna Insurance Co.
The Aetna Fire Underwriters Ins. Co.
The Century Indemnity Ins. Co.
R. B. Murray, Vice President
Montana-Wyoming Division
210 Eklund Building
P. O. Box 2003
Great Falls, MT 59403
Off. Ph. 406-452-1375 Res. Ph. 406-468-2675

. FIREMAN'S FUND INSURANCE CO.

Fireman's Fund Ins. Co.
American Ins. Co.
Mike McQuirk, Farm Manager
1323 Ninth Ave. So.
P. O. Box 2446
Great Falls, MT 59403
Off. Ph. 406-727-2253 Res. Ph. 406-452-2484

. WESTERN CROP INSURANCE

Hartford Fire Insurance
Hartford Accident & Indemnity Co.
Hartford Casualty Co.
Twin City Fire Insurance Co.

*11. OLD REPUBLIC INSURANCE CO.

Walter Streifel, Loss Supervisor
P. O. Box 452
Jamestown, North Dakota 58401
Ph. 701-252-9402

*29. CIMARRON INSURANCE CO., INC.

Francis H. Gift, State Agent
Tom Samsel, Special Agent
2325 10th Ave. S.
P. O. Box 2291
Great Falls, MT 59403
Off. Ph. 406-761-8504 Res. Ph. 406-452-9225
Res. Ph. 406-452-4322

*35. DORNBERGER & COMPANY

Dornberger & Co.
Drawer "D"
Sioux Falls, South Dakota 57101
Off. Ph. 605-339-9660
Ken Bladow, Field Supervisor, MT
P. O. Box 21017
Billings, MT 59104
Office Ph. 259-7687 Home 652-1977

*46. CROP HAIL MANAGEMENT

Alliance Insurance Co.
Farmers Alliance Mutual Ins. Co.
Mutual Service Casualty Ins. Co.
Mountain State Insurance Co.
Great Falls Office
1201 Central Avenue
P. O. Box 2645
Great Falls, MT 59403
Ph. 406-727-4111

*53. AMERICAN AGRISURANCE

Guaranty National Ins. Co.
Empire Fire & Marine Ins. Co.
Implement Dealers Mutual
Richard Gibson, President
P. O. Box 1574
Council Bluffs, IA 51501
Ph. 712-328-3918
Charles E. Lassey
P. O. Box 18125
Spokane, WA 99208
Off. Ph. 509-466-0897

*57. NATIONAL FARMERS UNION PROPERTY & CASUALTY CO.

David M. Hovland, Claims Manager
3231 Armar Dr.
Marion, IA 52302
Off. Ph. 319-373-1244
James Bergene, Supervisor
511 29th Ave. N. E.
Great Falls, MT 59401
Ph. 406-727-2709
Eldon W. Wollmann, Staff Asst.
1123-22nd Ave. S.
Moorhead, MN 56560
Ph. 218-233-7663

*63. WHEAT GROWERS FARM MUTUAL INSURANCE CO.

Francis H. Gift, Crop Hail Manager
Tom Samsel Special Agent
2325 10th Ave. S.
P. O. Box 2291
Great Falls, MT 59403
Off. Ph. 406-761-8504
Res. Ph. 406-452-9225
Res. Ph. 406-452-4322

*64. STATEWIDE INSURANCE MANAGEMENT

Westland Farm Mutual Insurance Co.
Don L. Cass, Manager
P. O. Box 6847
Great Falls, MT 59406
Off. Ph. 406-452-3123 Res. Ph. 406-277-3545

*67. STATE FARM INSURANCE

Northwest Office
Tom Saunders
4600 25th Ave. N. E.
Salem, Oregon 97303

*68. MOUNTAIN WEST FARM BUREAU MUTUAL INS. CO.

Robert E. Murdock
406 South 21st Street
P. O. Box 1348
Laramie, WY 82070
Off. Ph. 307-745-4835 Res. Ph. 307-745-9485

*78. GREAT NORTHWESTERN GENERAL INSURANCE AGENCY

Glacier General Assurance Company
N. F. Russell, Manager
Nolan F. Russell Asst. Manager
1100 7th Street South - Suite 4
P. O. Box 2352
Great Falls, MT 59403
Off. Ph. 406-453-6581

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, FEBRUARY 16, 1983

The meeting was called to order by Chairman Jacobsen on Wednesday, February 16, 1983 at 12:30pm in Room 129, State Capitol. All members of the Committee were present.

EXECUTIVE SESSION

CHAIRMAN JACOBSEN asked Rep. Holliday to report subcommittee findings. Rep. Holliday advised the subcommittee would meet immediately upon adjournment of the Agriculture Committee meeting this date.

REP. SCHULTZ told the Committee attendance of committee members at the Department of Revenue hearing on proposed rule changes for agricultural land classification and assessment was vital.

CHAIRMAN JACOBSEN advised committee members Rep. Manuel sponsored a bill pertaining to irrigated land which would be on the House floor this date and into which committee intent could be incorporated. He said, as an alternative the Senate could address all three irrigation bills and take necessary action.

HOUSE BILL 617. Legislative Council Attorney, John MacMaster read proposed amendments to the bill (exhibit).

REP. UNDERDAL moved the bill Do Pass and then moved the proposed amendments be approved. Rep. Hanson seconded the motion.

REP. SPAETH advised the Committee, crop dusting labor would be placed third as proposed in the amendments. He suggested the Committee go through priorities for liens to expedite the amending process, to which Rep. Koehnke added his concurrence.

CHAIRMAN JACOBSEN asked if seeds, labor, crop dusting and then spraying were the intended order. Rep. Underdal replied that it was.

REP. BACHINI moved the Committee delete Sections 2,3, and 4 of the bill in addition to line 7 of the title and that the title be changed accordingly. The motion was seconded by Rep. Holliday.

REP. SPAETH said priorities would be changed by deletion of lines 5, 6 or 7. Mr. MacMaster told the Committee the title would have to be changed if Rep. Bachini's motion were approved.

REP. BACHINI changed his motion to strike the remainder of lines 4-7 in the title following "act to" and insert "increase coverage of crop dusting and spraying liens; amending Section 71-3-901, MCA." and following line 24, page 1, strike lines 25 through line 14 on page 3.

REP. SCHULTZ asked Rep. Spaeth if any other section of the code would establish lien priorities. Rep. Spaeth said the current priority is seed, hail insurance, with labor prior to hail insurance in most instances.

The motion made by Rep. Bachini was unanimously approved by the Committee.

REP. BACHINI moved the bill Do Pass as Amended. Rep. Lybeck seconded the motion, which was unanimously approved by the Committee.

The meeting was adjourned at 1:20pm.

Glenn Jacobsen
REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

# STANDING COMMITTEE REPORT

FEBRUARY 16 19 83

MR. SPEAKER:

We, your committee on AGRICULTURE

having had under consideration HOUSE Bill No. 617

FIRST reading copy ( WHITE color )

A BILL FORAAN ACT ENTITLED: "AN ACT TO GENERALLY REVISE LAWS RELATING TO THE CROP OR GRAIN LIEN FOR SPRAYING OR DUSTING; AMENDING SECTIONS 71-3-401, 71-3-804, 71-3-901, AND 71-3-904, MCA."

Respectfully report as follows: That HOUSE Bill No. 617

Be amended as follows:

1. Title, line 4.
Following: "ACT TO"
Strike: remainder of line 4 through line 7
Insert: "INCREASE THE COVERAGE OF CROP DUSTING AND SPRAYING LIENS; AMENDING SECTION 71-3-901, MCA."

2. Page 1, line 24.
Following: line 24
Strike: line 25 through line 14 on page 3.

AND AS AMENDED

DO PASS

REP. GLENN JACOBSEN

[redacted]

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

2-16-83

House BILL NO. 617

INTRODUCED BY Underdal, Bryan, Selting, Ellison, Iverson, Manuel, Stobie, Switzer, Burkhardt

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~GENERALLY REVISE~~ INCREASE THE COVERAGE OF CROP DUSTING ~~LAWS RELATING TO THE CROP OR GRAIN LIEN FOR SPRAYING OR DUSTING;~~ AMENDING ~~SECTIONS 71-3-401, 71-3-804,~~ SPRAYING LIENS; AMENDING SEC. 71-3-901, MCA, AND ~~71-3-904, MCA.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-901, MCA, is amended to read:

"71-3-901. Who may have lien -- amount. Any person, firm, corporation, or partnership which shall under contract, express or implied, perform labor or services or furnish material in crop dusting or spraying grains or crops for the purpose of weed, disease, or insect control for promoting the growth of such grains or crops shall have a lien upon all such grains or crops so crop dusted or sprayed for and on account of the labor or service performed and material furnished, upon complying with the provisions of this part; provided, however, that any such lien shall not exceed ~~$1.50 per acre for spraying or dusting wheat, and in the case of other grain or crops such lien shall not exceed~~ the prevailing price charged in the particular locality in which such grain or crops ~~is~~ are sprayed or dusted."

Section 2. Section 71-3-904, MCA, is amended to read:

"71-3-904. Priority. The lien for labor or services performed or material furnished as specified in this part shall be prior to and have precedence over any mortgage, encumbrance, or other lien upon said grain or crops, except the ~~lien~~ liens for seed~~, hail insurance, threshing, labor, and warehouse services furnished for the purpose of growing or handling the particular grain or crops.~~"

~~Section 3. Section 71-3-401, MCA, is amended to read:~~

~~"71-3-401. Who may have lien -- priority. (1) Any person who performs services for another in the capacity of a farm or ranch laborer has a lien on all crops of every kind grown, raised, or harvested by the person for whom the services were performed during that time as security for the payment of any wages due or owing to such persons for services so performed.~~

~~(2) The lien has priority over all other liens, chattel mortgages, or encumbrances except feed sufficient for 3 months for 1 horse, 2 cows and their calves, 4 hogs, and 50 domestic fowls; and seed grain and threshers' liens; and crop or grain liens for spraying or dusting.~~ The wages for which a lien may be claimed may not be in excess of $1,000 or for a period of time exceeding 60 days next preceding the date of filing the lien. In case any such person without cause quits his employment before the expiration of the time for which he is employed, he is not



INTRODUCED BILL 617

It is his feeling that in order to have good employees making good decisions, we need to be able to provide them with a proper defense when they are simply doing their job. Mr. Johnson submitted proposed amendments to HB357 (see attached Exhibit "D") and written testimony from Jim Nugent, Missoula County Attorney (see attached Exhibit "E") in favor of HB357.

Mr. Ray Boring, a jailer from Missoula County, testified in favor of HB357. He stated that attorneys' fees in some Oregon cases had accummulated rapidly and are very difficult for most people to pay.

Mr. Darryl Meyer of Cascade County, testified in favor of HB357. Senator Mazurek requested that he be placed on record as supporting HB357.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 807: Representative Jensen testified that HB807 is a simple bill which merely changes the time from 30 days until 90 days in which a dealer has to file a lien against a crop for seed or grain furnished in advance of payment.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 617: Representative Underdal, sponsor of HB617, explained to the Committee that this bill provides for relief for crop dusters who have to file a lien in order to collect for their services already rendered. This bill will provide them with relief because of their expenses incurred while performing their service. Representative Underdal testified that Mr. Tom Mellott, a crop duster from Brady, Montana, also supports HB617.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 617: Senator Galt moved that HB617 BE CONCURRED IN. His motion carried unanimously.

ACTION ON HOUSE BILL 807: Senator Galt moved that HB807 BE CONCURRED IN. His motion carried unanimously.

ACTION ON HOUSE BILL 629: Senator Berg moved that HB629 BE CONCURRED IN. His motion carried unanimously.

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983 Date 3/17/83

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| Berg, Harry K. (D) | ✓ | | |
| Brown, Bob (R) | ✓ | | |
| Crippen, Bruce D. (R) | | | ✓ |
| Daniels, M. K. (D) | ✓ | | |
| Galt, Jack E. (R) | ✓ | | |
| Halligan, Mike (D) | ✓ | | |
| Hazelbaker, Frank W. (R) | ✓ | | |
| Mazurek, Joseph P. (D) | ✓ | | |
| Shaw, James N. (R) | ✓ | | |
| Turnage, Jean A. (R) | ✓ | | |
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# STANDING COMMITTEE REPORT

March 17, 1933

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 617

Respectfully report as follows: That House Bill No. 617

DO PASS

BE CONCURRED IN

JEAN A. TURNAGE Chairman.

STATE PUB. CO.
Helena, Mont.